

**THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**ROTHSCHILD BROADCAST
DISTRIBUTION SYSTEMS, LLC,**

Plaintiff,

v.

PEXIP, INC.,

Defendant.

CIVIL ACTION NO. 1:20-cv-10301

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Rothschild Broadcast Distribution Systems, LLC (“Plaintiff” or “Rothschild Broadcast Distribution Systems”) files this complaint against Pexip, Inc. (“Pexip”) for infringement of U.S. Patent No. 8,856,221 (hereinafter the “’221 Patent”) and alleges as follows:

PARTIES

1. Plaintiff is a Texas limited liability company with an office at 1801 NE 123 Street, Suite 314, Miami, FL 33181.
2. On information and belief, Defendant is a Delaware corporation, with a place of business at 240 W. 35th St., Suite 400, New York, NY 10001. On information and belief, Defendant may be served through its agent, Worldwide Incorporators Ltd., 3411 Silverside Rd., Ste. 104, Tatnall Bldg., Wilmington, DE 19810.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, 35 U.S.C. § 271 et seq. Plaintiff is seeking damages, as well as attorney fees and costs.
4. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents).

5. On information and belief, this Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in this District, has conducted business in this District, and/or has engaged in continuous and systematic activities in this District.

6. Upon information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in the District.

7. Venue is proper in this District under 28 U.S.C. §1400(b) because Defendant is deemed to be a resident in this District. Alternatively, acts of infringement are occurring in this District and Defendant has a regular and established place of business in this District.

BACKGROUND

8. On October 7, 2014, the United States Patent and Trademark Office ("USPTO") duly and legally issued the '221 Patent, entitled "System and Method for Storing Broadcast Content in a Cloud-Based Computing Environment" after the USPTO completed a full and fair examination. The '221 Patent is attached as Exhibit A.

9. Rothschild Broadcast Distribution Systems is currently the owner of the '221 Patent.

10. Rothschild Broadcast Distribution Systems possesses all rights of recovery under the '221 Patent, including the exclusive right to recover for past, present and future infringement.

11. The '221 Patent contains thirteen claims including two independent claims (claims 1 and 7) and eleven dependent claims.

COUNT ONE

(Infringement of United States Patent No. 8,856,221)

12. Plaintiff refers to and incorporates the allegations in Paragraphs 1 - 11, the same as if set forth herein.

13. This cause of action arises under the patent laws of the United States and, in particular under 35 U.S.C. §§ 271, *et seq.*

14. Defendant has knowledge of its infringement of the '221 Patent, at least as of the service of the present complaint.

15. Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including at least Claim 7, of the '221 Patent by making, using, importing, selling, and/or offering for media content storage and delivery systems and services covered by one or more claims of the '221 Patent.

16. Accordingly, Defendant has infringed, and continues to infringe, the '221 Patent in violation of 35 U.S.C. § 271.

17. Defendant sells, offers to sell, and/or uses media content storage and delivery systems and services, including, without limitation, the Pexip video conferencing platform, and any similar products ("Product"), which infringes at least Claim 7 of the '221 Patent.

18. The Product practices a method of storing (e.g., cloud storage) media content (e.g., conference recording) and delivering requested media content (streaming video conferencing) to a consumer device (e.g., mobile device with Pexip app). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

] pexip[

Secure Video Communications for Government

Enable mission-critical communications, modernize your infrastructure and engage citizens with Pexip's trusted, scalable video platform.

Engage users

Video communication can help you deliver information and public services instantly, improving constituents' experience and ultimately reducing your bottom line.

With Pexip, it's easy to schedule and host video meetings instantly on any device. Participants can join meetings download-free from any web browser, from the app on their mobile device or laptop, from video room systems, or from other collaboration tools like Microsoft Teams or Google Hangouts Meet.

Source: <https://www.pexip.com/government>

Live Streaming & Recording

Streaming / recording integration for video conferencing

Do more than just video meetings.

Reach audiences like never before. Easily stream and record events from your virtual meeting room (VMR) directly to popular third-party streaming and enterprise video management platforms using our simple integration.

Source: <https://www.pexip.com/features/live-streaming-and-recording>

Streaming and recording a conference

i This topic provides a general overview of Pexip Infinity's support for streaming and recording. For specific step-by-step instructions on how to integrate with some popular streaming services, see [Integrating with streaming and recording services](#).

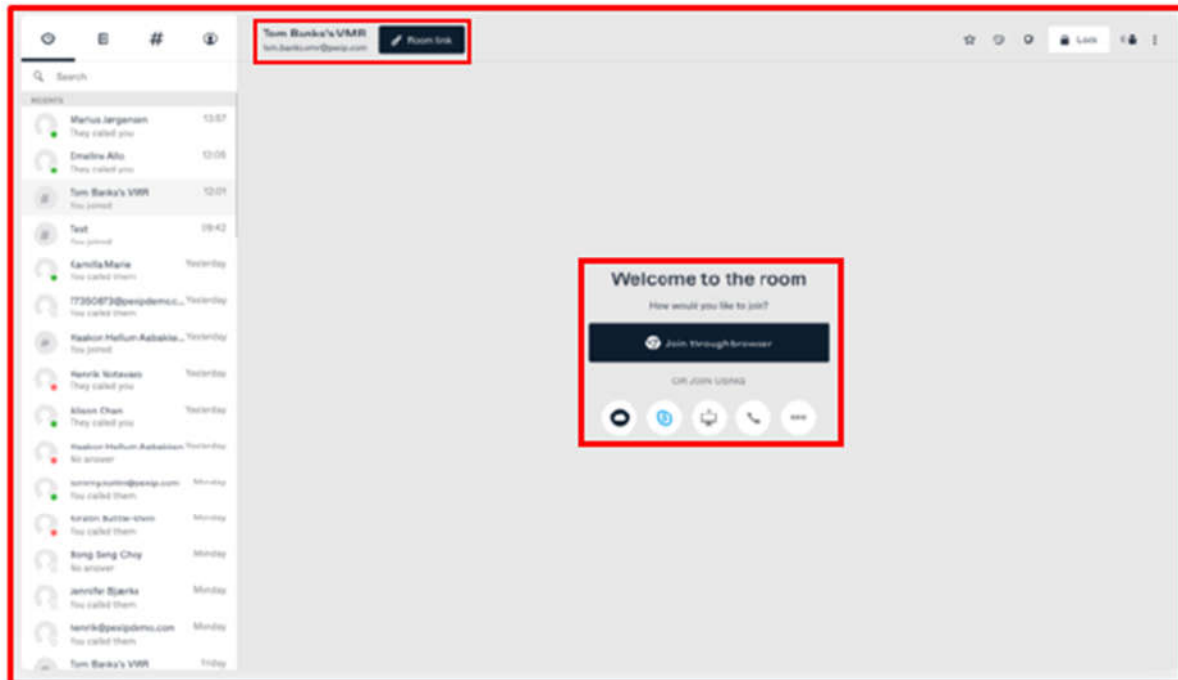
Pexip VMRs can output a dedicated RTMP/RTMPS multimedia stream to enterprise CDN (Content Delivery Network) streaming and recording services such as Wowza, Quickchannel, Qumu, Microsoft Stream and Azure Media Services, and to public streaming services such as YouTube, Facebook and Periscope. Any Pexip conference can be streamed as a live event to an unlimited number of viewers, and can automatically be recorded and stored for later consumption.

Source: <https://docs.pexip.com/admin/streaming.htm>

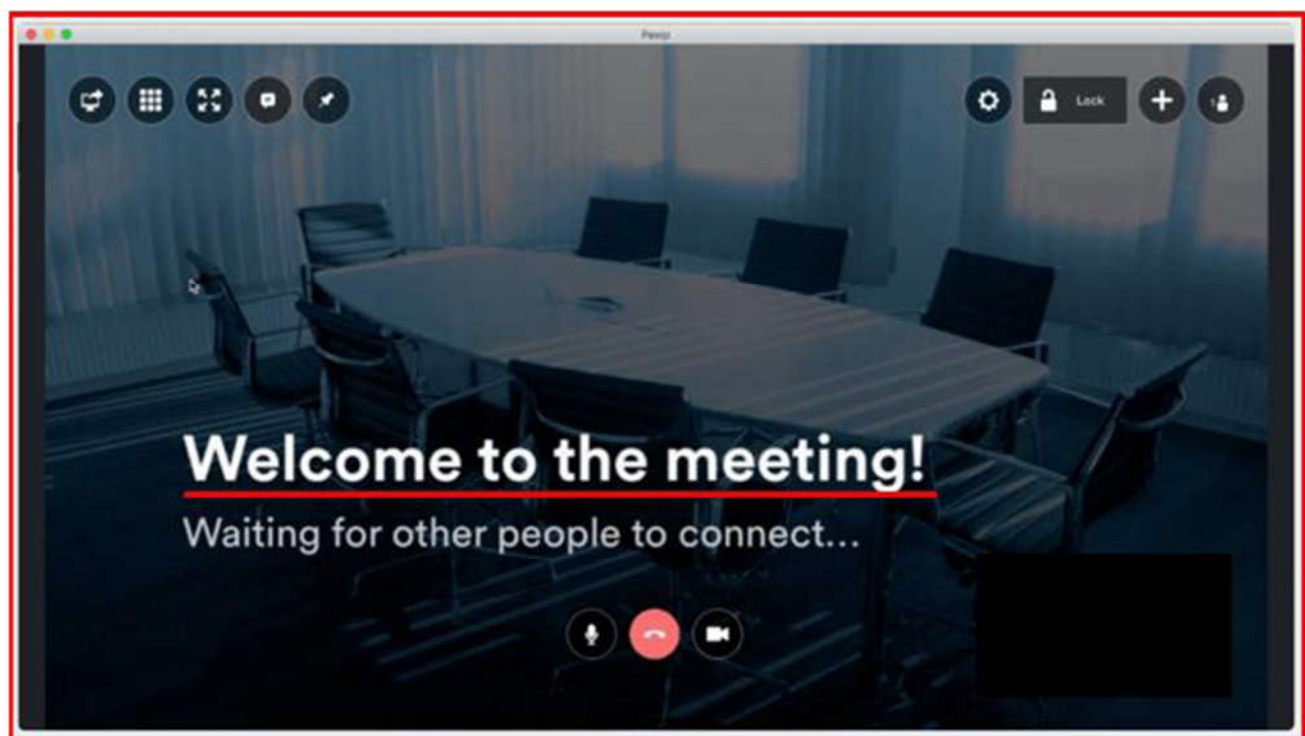
- ii. **Our global network:** the Pexip Service is deployed via a globally-distributed network of resources which constitute the Pexip Service Network as owned and operated by Pexip AS
 - a. Services are hosted and maintained at geographically-specific "Points-of-Presence" (PoPs) as well as within cloud-based services that have global availability
 - b. Pexip PoPs are hosted at data centers managed by facility service providers. Each facility is meets or exceeds international security compliance standards
 - c. Personal data collected through Pexip service may be stored and processed in any country in which Pexip and its affiliates maintain facilities
 - d. By registering for and using Pexip services, you are accepting to the transfer of data to any country in which Pexip and its affiliates maintain facilities, as well as the use and disclosure of your personal data as described in this privacy notice

Source: <https://www.pexip.com/privacy>

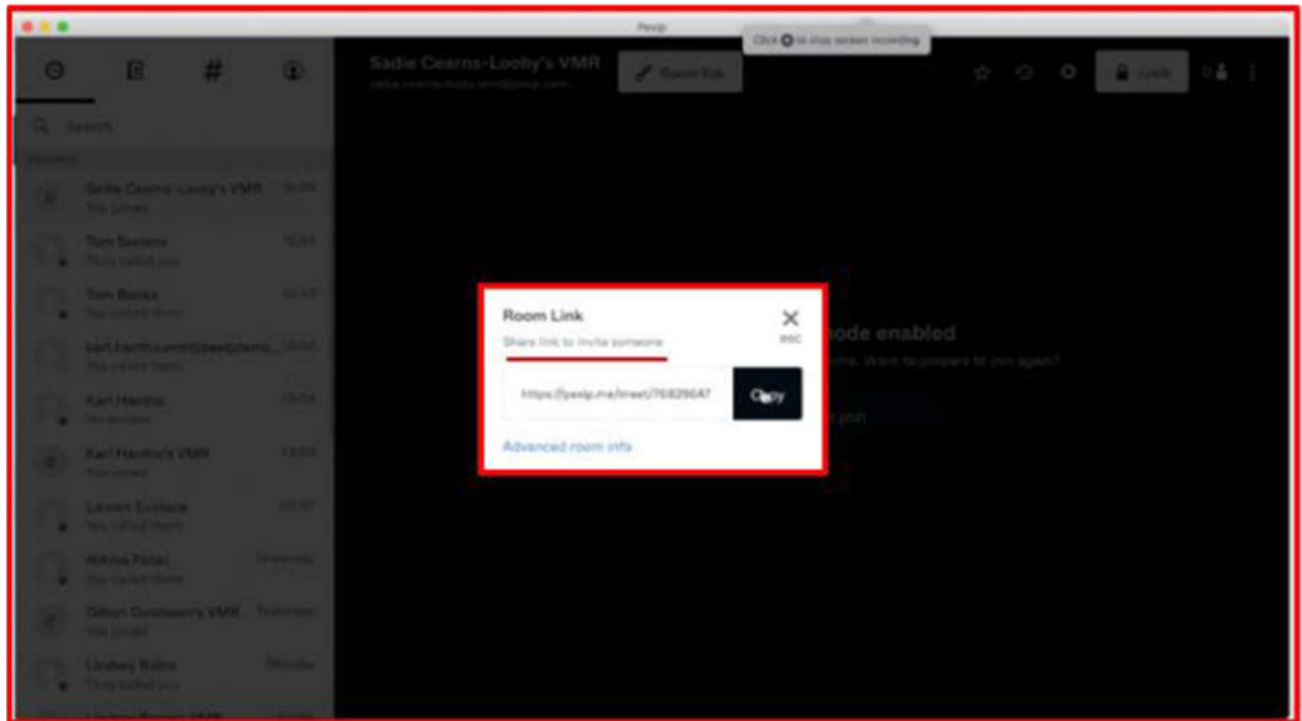
19. The Product necessarily includes a receiver configured to receive a request message including data indicating requested media content (e.g., the Product must have infrastructure to receive a request to store recorded media content or to stream recorded media content on a smartphone; additionally, the request message must contain data that identifies the content to be stored or streamed) and a consumer device identifier corresponding to a consumer device (e.g., the user credentials are used to access the contents of the Product). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.



Source: <https://www.pexip.com/blog1.0/getting-started-guide>



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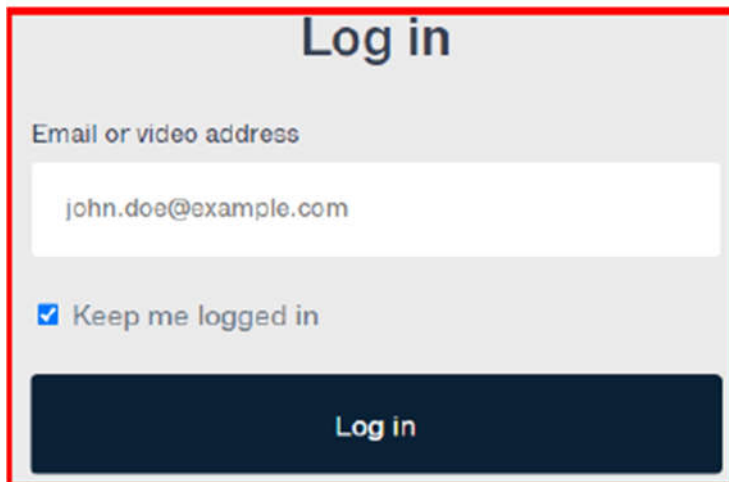


Source: <https://www.pexip.com/blog1.0/getting-started-guide>

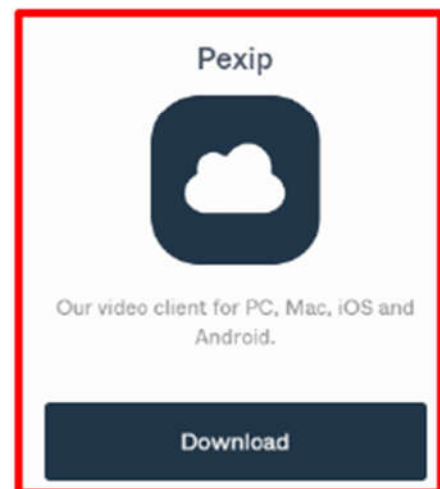
You can now log in to your account and manage your meeting room in one of the following ways:

1. Download and log in via the Pexip app for desktop & mobile.
 - [Download here](#)
2. Log into the Pexip web app <https://pexip.me/login>
 - (This uses video conferencing through your browser, sometimes called WebRTC)
 - The first time you visit a Pexip meeting room link in your browser, you should grant the browser access permissions to your device's camera and microphone.

Source: <https://www.pexip.com/blog1.0/getting-started-guide>

A screenshot of the Pexip login page. It features a light gray background with the title "Log in" in a large, bold, dark blue font at the top. Below the title, the text "Email or video address" is displayed. A white input field contains the email address "john.doe@example.com". Underneath the input field, there is a checkbox with a blue checkmark and the text "Keep me logged in". At the bottom of the form is a dark blue rectangular button with the text "Log in" in white.

Source: <https://pexip.me/login>



Source: <https://pexip.me/download>

Pexip Infinity Administrator interface

A username and password are required for logging in to the Pexip Infinity Administrator interface. By default these credentials are verified against the local database and are the web administration username and web administration password that were set during initial installation (via the installation wizard). You can also configure the system to authenticate users against an LDAP-accessible database.

Local database authentication

The username (typically **admin**) cannot be changed after being set, but the password can.

To change the password used to log in to the Pexip Infinity Administrator interface:

1. Log in to the Pexip Infinity Administrator interface.
2. At the top right of the screen, select **Change password**.
3. Enter the existing password, and then enter the new password twice.
4. Select **Change my password**.

You will see a message:

Password change successful

Your password was changed.

Note that the **Change password** option is not available if the system has its Authentication source configured as *LDAP database*.




Source: https://docs.pexip.com/admin/changing_usernames_passwords.htm

20. The Product necessarily determines whether the consumer device identifier corresponds to the registered consumer device (e.g., a user must be a registered user to access the Product's services). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

21. The Product provides for both media downloads and/or storage, and media streaming. After a successful login, the Product necessarily determines whether the request received from a customer is a request for storage (e.g., recording or storing content) or content (e.g., streaming of media content). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

Streaming/recording indicators and announcements

If the conference is being streamed or recorded, a streaming  or recording  icon is displayed to the right of the main video layout. Whenever a new participant joins the conference, and every two minutes otherwise, the icon will briefly slide out and show its associated text — "Streaming enabled" or "Recording". The icons and text can be changed, and the indicators can be disabled; see [Creating and applying themes to conferences](#).

- The streaming indicator  is displayed when a streaming participant is added to the conference.
- The recording indicator  is displayed if a Microsoft Teams or Google Meet conference is being recorded, or a Skype for Business / Lync client records a conference.
- The participant list on Infinity Connect clients also shows the streaming or recording device to which the stream is being sent. A streaming participant has a streaming badge  next to its name (which usually takes the form of the URL to which the stream is being sent).
- Note that an indicator is shown to Sfb/Lync clients if streaming is initiated by Pexip Infinity.

For administrators looking at a conference graph, streaming participants are identified by a  indicator.

Source: <https://docs.pexip.com/admin/streaming.htm>


View & share recordings

Recordings are managed on the chosen streaming platform the event was broadcast to. Simply share the on-demand recording link with your audience in your preferred online channel. You don't have to store large media files locally as recordings are saved to the chosen streaming platform.

Source: <https://www.pexip.com/features/live-streaming-and-recording?hsCtaTracking=cb168d8c-1919-4ef9-84b8-017f74763538%7C8791d488-6642-4ad1-8fdd-a786ae405383>

22. The Product verifies that media content identified in the media data of the storage request message (e.g., request to record content) is available for storage in order to prevent data errors that would result from attempting to store content that is not available for storage. The Product must verify that the media content (e.g. specific recording) identified in the media data of the storage request message is available for storage in order to prevent data errors that would result from attempting to store content that is not available for storage (e.g., the product must verify a user's ability to store media content is limited to a certain amount of time). If any media content is streamed using third party platform then it will be automatically stored in that particular platform. Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.




Streaming and recording a conference

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Pexip VMRs can output a dedicated RTMP/RTMPS multimedia stream to enterprise CDN (Content Delivery Network) streaming and recording services such as Wowza, Quickchannel, Qumu, Microsoft Stream and Azure Media Services, and to public streaming services such as YouTube, Facebook and Periscope. Any Pexip conference can be streamed as a live event to an unlimited number of viewers, and can automatically be recorded and stored for later consumption.

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Source: <https://docs.pexip.com/admin/streaming.htm>

23. If a customer requests content (e.g., live streaming of media content), then a processor within the Product necessarily initiates delivery of the content to the customer's device. The Product will initiate delivery of the requested media content to the consumer device (e.g., stream media content feed to a smartphone or tablet etc.) if the request message is a content request message (e.g., request for live streaming). Certain aspects of these elements are illustrated in the screen shots below and/or in screen shots provided in connection with other allegations herein.

24. The media data includes date and time information to identify conference start and stop times, as well as meeting length. Time data may also indicate a length of time to store the requested media content (e.g. a user is allowed to store media content for a retention period configured by

the user per their subscription level). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

Media streams


Media stream details are displayed when you view the details of an individual participant.

Type	Indicates whether the information is for the Audio, Video, or Presentation stream. When viewing the stream details of a completed call you may see multiple instances of each stream type (for example, if the participant had started presenting, stopped and then started presenting again). For in-progress calls you can only see a maximum of one instance of each stream type (reflecting what the participant is currently doing). Note that a presentation stream is not shown for Infinity Connect clients that are sending or receiving still images or PDF pages (as opposed to screen sharing, or receiving full motion presentation).
Start time	The date and time that the media stream started.
End time	The date and time that the media stream ended (displayed for historic calls only).
Node	The address of the Conferencing Node handling the media.

Source: https://docs.pexip.com/files/v10/Pexip_Infinity_Administrator_Guide_v10.a.pdf (Page-206)

Viewing historical information about conferences

To see a list of all the completed conferences on the Pexip Infinity platform, go to Status > Conference history. This shows a list of the most recent completed conferences (up to a limit of 5,000). To view details of a particular conference, click on the Service name.

 To view information on conferences currently running on Pexip Infinity, see [Viewing current conference status](#).

The following information is available for each completed conference:

Field	Description
Service name	The name of the Virtual Meeting Room, Virtual Auditorium, Virtual Reception or Pexip Distributed Gateway that was used. For the Pexip Distributed Gateway, the name will be followed by a unique identifier to distinguish between separate calls. Click on the service name to view more information.
Service tag*	The unique identifier that an administrator has assigned to this service. If this field is blank, no tag has been assigned. For more information, see Tracking usage with a service tag .
Start time	The date and time that the first participant connected to the service.
End time	The date and time that the last participant's call ended.
Duration	The length of time that the conference or service was in use.
Participant count	The total number of participant calls made to this conference. Note that if a single participant disconnects from the conference and then reconnects to it, this will be counted as two participant calls.
Instant message count*	The total number of instant messages sent during the conference.

Source: [https://docs.pexip.com/files/v10/Pexip Infinity Administrator Guide v10.a.pdf](https://docs.pexip.com/files/v10/Pexip_Infinity_Administrator_Guide_v10.a.pdf) (Page-209)

25. The Product must first determine whether the requested media content exists prior to initiating delivery in order to prevent data errors that would result from attempting to transmit media content that does not exist (e.g. the product must verify that a particular requested data is stored in the cloud). Also, a user can view the history of media content and the processor can identify the existence of that particular media content. Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

Viewing historical information about conferences

To see a list of all the completed conferences on the Pexip Infinity platform, go to **History & Logs > Conference History**. This shows a list of the most recent completed conferences (up to a limit of 10,000). To view details of a particular conference, including the ability to rewind and replay the conference [graph](#), click on the **Service name**.

To view information on conferences currently running on Pexip Infinity, see [Viewing current conference status](#).

The Administrator interface uses color coding when reporting media statistics, such as perceived call quality, packet loss and jitter. In general, statistics that are shown in green represent good quality, orange represents intermediate quality, and red is used for bad quality. See [media statistics](#) and [perceived call quality](#) for more information.

Source: https://docs.pexip.com/admin/conference_history.htm

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26. After the processor determines whether the requested media content is available, it determines whether there are restrictions associated with the requested media content (e.g., user access restrictions, etc.). Certain aspects of these elements are illustrated in the screenshots below and/or those provided in connection with other allegations herein.

Limiting the number of participants

You can place a limit on the number of participants that can access a particular Virtual Meeting Room, Virtual Auditorium or scheduled conference at any one time. When such a restriction is in place, when the limit is reached any new participants are presented with a **capacity exceeded** message.

Source: https://docs.pexip.com/admin/limiting_participants.htm

27. Defendant's actions complained of herein will continue unless Defendant is enjoined by this Court.

28. Defendant's actions complained of herein is causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

29. The '221 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

30. A copy of the '221 Patent, titled "System and Method for Storing Broadcast Content in a Cloud-based Computing Environment," is attached hereto as Exhibit A.

31. By engaging in the conduct described herein, Defendant has injured Plaintiff and is liable for infringement of the '221 Patent, pursuant to 35 U.S.C. § 271.

32. Defendant has committed these acts of literal infringement, or infringement under the doctrine of equivalents of the '221 Patent, without license or authorization.

33. As a result of Defendant's infringement of the '221 Patent, injured Plaintiff has suffered monetary damages and is entitled to a monetary judgment in an amount adequate to compensate for Defendant's past infringement, together with interests and costs.

34. Plaintiff is in compliance with 35 U.S.C. § 287.

35. As such, Plaintiff is entitled to compensation for any continuing and/or future infringement of the '221 Patent up until the date that Defendant ceases its infringing activities.

DEMAND FOR JURY TRIAL

36. Rothschild Broadcast Distribution Systems, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

- (a) Enter judgment for Plaintiff on this Complaint on all cases of action asserted herein;
- (b) Enter an Order enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receives notice of the order from further infringement of United States Patent No. 8,856,221 (or, in the alternative, awarding Plaintiff running royalty from the time judgment going forward);
- (c) Award Plaintiff damages resulting from Defendants infringement in accordance with 35 U.S.C. § 284;
- (d) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: December 7, 2020

Respectfully submitted,

/s/ Jay Johnson

JAY JOHNSON

State Bar No. 24067322

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